



**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 : SECTION 41
USE OF PREMISES FOR A PUBLIC PERFORMANCE OF ANY PLAY**

**APPLICATION FOR GRANT OR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE
PART A**

Note: Each of these questions must be answered. It is a criminal offence to make any statement which you know to be false or recklessly to make any statement which is materially false.

1. Full Name of applicant/ proposed licence holder (individual, partnership, company, voluntary organisation etc)	
2. Address	
3. Email Address	
4. Phone No.	
5. Date of Birth	
6. Place of Birth	
7. If applicant is a company/partnership/ voluntary organisation, please detail names of Directors/ Partners or other persons responsible for management	
8. Private Addresses of Directors/ Partners or other persons responsible for management	
9. Dates of Birth of Directors/ Partners/ other Responsible Persons	

10. Do you intend to operate the business/event yourself or employ someone?	
11. Name of Employee Responsible for Day to Day Operation	
12. Address of Employee	
13. State address of Public Entertainment	Please attach confirmation of consent of landowner if applicable
14. State days/hours, the period during which the public entertainment will take place	Date/s Hours
15. Type of Licence – delete as appropriate	GRANT of a new PUBLIC ENTERTAINMENT LICENCE - Temporary (1 day to 6 weeks); 3 years RENEWAL of a PUBLIC ENTERTAINMENT LICENCE – 3 year
16. Have you previously held or do you currently hold a PE Licence	YES / NO
17. If YES when was the licence granted?	
18. Which Authority granted the licence?	
19. When does/ did it expire?	
20. Have you ever applied for and been refused a PE licence?	YES / NO
21. If YES which Authority refused you a licence?	
22. When where you refused?	

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <https://www.dumgal.gov.uk/fairprocessing>

CRIMINAL CONVICTIONS

23. Please complete the following sheet with details of any criminal convictions recorded against you. If you have none, write 'NONE' – your application will not be processed unless this sheet is completed.

The Council requires all applicants for most types of licence to disclose any criminal convictions recorded against them.

Guidance notes on the Rehabilitation of Offenders Act 1974 are given overleaf. You need not disclose any convictions which are 'spent' in terms of this Act, but must list below all other convictions against you. This includes convictions for motoring offences and for other offences (e.g. breach of the peace, vandalism). You must also give details of any conditional offers of fixed penalties which you have paid (e.g. endorseable speeding tickets).

Failure to disclose these matters is a criminal offence. If you have no such convictions, please write 'NONE'. Your application will not be processed unless this sheet is completed and signed.

If you are unsure of your convictions, a certified copy may be applied for from Police Scotland, Police Station, Loreburn Street, Dumfries (£10 fee applies).

DATE	COURT	OFFENCE	SENTENCE

I acknowledge and authorise the Chief Constable to make available to the Licensing Authority, details of my previous convictions for inclusion in any report on my application, and understand that this report will be issued to Members of the Licensing Authority, the media and will be available to members of public on request.

I declare that the above particulars are accurate.

Signed

EXPLANATORY NOTES ON THE REHABILITATION OF OFFENDERS ACT 1974

This Act provides that after a certain lapse of time convictions for criminal offences are to be regarded as "spent".

An applicant for a licence need not disclose spent convictions and the Council will not normally take them into account when deciding upon an application.

Sentences of imprisonment exceeding 30 months duration can never be treated as spent and must be disclosed however long ago they were imposed. The periods of time which must elapse in most other cases before a single conviction becomes spent are set out below:-

	SENTENCE	REHABILITATION PERIOD
1	Over six months imprisonment but under 30 months	10 years
2	Under six months imprisonment	7 years
3	A Fine or Community Service	5 years
4	Conditional discharge, bound over, probation	1 year or period of discharge, bound over or probation, whichever is the longer
5	Absolute discharge	6 months
6	Cashiering, discharge with ignominy or dismissal with disgrace from H M Service	10 years
7	Dismissal from H M Service	7 years
8	Disqualification, disability or prohibition	Period of disqualification, disability or prohibition unless a longer period as set out in 1 – 7 above applies

The periods of time which must elapse in other cases before the conviction becomes spent vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended if a further offence has been committed during the rehabilitation period. Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974" or from a Solicitor.

REHABILITATION OF OFFENDERS ACT 1974 APPLICATION TO ALTERNATIVES TO PROSECUTION

The following alternatives to prosecution now come within the framework of the Rehabilitation of Offenders legislation:-

- (a) has been given a warning in respect of the offence by;
 - i) a constable in Scotland; or
 - ii) a procurator fiscal
- (b) has accepted, or is deemed to have accepted-
 - i) a conditional offer issued in respect of the offence under section 302 of the Criminal Procedure (Scotland) Act 1995 (c.46), or
 - ii) a compensation offer issued in respect of the offence under section 302A of that Act
- (c) has had a work order made against the person in respect of the offence under section 303ZA of that Act
- (d) has been given a fixed penalty notice in respect of the offence under section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp8)
- (e) has accepted an offer made by a procurator fiscal in respect of the offence to undertake an activity or treatment or to receive services or do any other thing as an alternative to prosecution, or
- (f) in respect of an offence under the law of a country or territory outside Scotland, has been given, or has accepted or is deemed to have accepted, anything corresponding to a warning, offer, order or notice falling within paragraphs (a) to (e) under the law of that country or territory.

The periods before the alternative to prosecution becomes spent are:-

- For (a) and (d) it becomes spent at the time of the warning or notice
- For the others the "relevant period" before the alternative to prosecutions becomes spent is 3 months from the date on which it was given

However:-

- In respect of (b) – (f) if the person is subsequently prosecuted and convicted for the offence which was the basis of the alternative to prosecution, the alternative will not become spent until the end of the period for the offence of which the person has since been convicted

The effect of an alternative to prosecution becoming spent is that the person then is treated for all purposes in law as a person who has not committed, been charged with or prosecuted for, or been given an alternative to prosecution in respect of the offence for which the alternative to prosecution was given.

The only circumstances in which "spent" alternatives to prosecution might be considered by the Council's Licensing Panel is if the Panel is satisfied that justice cannot be met unless reference is made to them.

(If applying for a temporary licence go straight to question number 25)

24.....(the applicant) hereby declare (delete as appropriate)

a) that a Notice will be posted at, on or nearby the premises at

.....

containing such information as is required by paragraph 2(3) of Schedule 1 to the Civic Government (Scotland) Act 1982

Note: Licensing will draft and email you the site notice once they have checked your form and taken payment.

OR

b) that I have been unable to post a Notice in compliance with the requirements of Paragraph 2(2) of Schedule 1 to the Civic Government (Scotland) Act 1982, because I do not have the rights of access which would enable me to do so, but I have taken reasonable steps to acquire these rights but have been unable to do so. The steps taken are as follows:- please specify

.....
.....

If declaration a) is made then a Certification of Compliance with Paragraph 2(2) of Schedule 1 to the Civic Government (Scotland) Act 1982 must be produced in due course.

25. I declare that the particulars given by me on this application form are true. I authorise Dumfries and Galloway Council to make such enquiries with the police and others as the Council considers appropriate.

Signature

Address

Position of Applicant


In Company/Partnership

if not otherwise stated

Date

Please return the form to: Licensing, Dumfries and Galloway Council, Kirkbank House, English Street, Dumfries DG1 2HS

Or by email to: licensing@dumgal.gov.uk

 01387 245922

together with the following:

the relevant application fee (refer to application Part B)

the attached completed criminal convictions sheet

NOTES

1. Any person who in, or in connection with, the making of this application makes any statement which he/she knows to be false or recklessly makes any statement which is false shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £1,000.
2. This application form must be lodged, together with the appropriate fee, not less than 28 days before the proposed commencement date of the licence.
3. The lodging fee is not refundable.